

REMARKS

Claim 5 has been canceled.

Claims 1-4 and 6-9 are pending.

Claim Rejections

35 U.S.C. §112

The Office Action rejected Claims 1-4 and 6-9 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The Office action further rejected Claims 1-4 and 6-9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Please see further remarks below.

35 U.S.C. §101

The Office Action rejected Claims 1-4 and 6-9 under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

With regard to both the 35 U.S.C. §112 rejections and the 35 U.S.C. §101 rejection, Applicant refers to the informal telephonic interviews and to prior Office Actions in which Attorney for Applicant Greg O'Bradovich and Examiner Colby Hansen had agreed, both formally in the Office Actions and subsequent responses and informally in the telephonic interviewed that the structure of the apparatus disclosed in the application as filed and as amended is novel and non-obvious. However, there remained disagreement as to the force generating nature of the invention. While both Attorney for Applicant and the Examiner had

proposed differing theories of operation, they informally agreed that the removal of a force generating discussion would overcome the 35 U.S.C. §112 rejections and the 35 U.S.C. §101 rejection. Attorney for Applicant suggested that a Substitute Specification removing such functional language would be helpful. Examiner Hansen agreed to issue a non-Final Action to give Applicant the opportunity to submit the Substitute Specification. As such, this response includes a Substitute Specification in which the force generating nature of the novel apparatus has been removed. All references to the apparatus and the individual units within the apparatus have been described in structure only and in their capacity to receive an input force.

The response further includes amendments to the pending claims that remove any elements of a force generating nature. Applicant submits that the 35 U.S.C. §112 rejections and the 35 U.S.C. §101 rejection are overcome and that the case is now in condition for allowance for which action is requested.

If Examiner has any questions regarding this document, Applicant asks that Examiner contact the undersigned immediately by telephone.

Respectfully submitted,



Greg O'Bradovich
Attorney for Applicant
Registration No. 42,945

GREG O'BRADOVICH, PC
295 Culver Street, Suite A
Lawrenceville, Georgia 30045
(770) 995-8877